

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM ROBERT BURDICK,)	
EDNA BURDICK,)	
Plaintiff,)	
)	Civil Action No. 05-119 Erie
v.)	
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

JOINT PROPOSED DISCOVERY PLAN PURSUANT TO FED R.CIV.P. 26 (f)

AND NOW comes the plaintiffs, William Robert Burdick and Edna Burdick, by their attorney, Christina S. Nacopoulos, Esquire, and defendant, the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Jessica Lieber Smolar, Assistant U.S. Attorney for said district, and respectfully submit the following Joint Proposed Discovery Plan required by Fed. R. Civ. P. 26(f):

1. A meeting was held by telephone between Christina S. Nacopoulos, counsel for plaintiff, and Jessica Lieber Smolar, counsel for defendant, to prepare this Joint Report.

2. The parties agree to provide information and documents pursuant to the initial disclosure requirements of Rule 26(a) (1) (A) (C) and (D) by December 15, 2005.

3. The parties anticipate that discovery as authorized by the Federal Rules of Civil Procedure will be needed as to both liability and damages, including without limitation

discovery via requests for production of documents, interrogatories to and/or depositions of plaintiff, relevant damages witnesses, present and past employees of the Erie VAMC, and other medical providers appearing in the medical records and nurses who provided medical care to William Robert Burdick, as well as expert witnesses identified pursuant to Rule 26 (a) (2).

4. This case involves complex medical and economic issues. Comprehensive analysis by the parties' medical experts will necessarily entail review of information elicited during discovery. As a result, the parties respectfully request Court approval of the following discovery plan:

- i. Fact discovery shall be completed on or before April 3, 2006; Interrogatories and Request for Production of Documents by both parties shall be served in time for response in accordance with the Federal Rules of Civil Procedure prior to close of discovery.
- ii. Rule 26(a) (1) (B) initial disclosures shall be completed on or before January 31, 2006.
- iii. Plaintiff shall serve expert disclosures and reports on or before May 3, 2006.
- iv. Defendant shall serve their expert disclosures and reports on or before June 5, 2006.
- v. Expert depositions shall be completed by July 3, 2006.

vi. Plaintiff's pretrial statement shall be filed on
or before July 19, 2006;

vii. Defendant's pretrial statement shall be filed on
or before August 9, 2006.

5. Counsel submit that the discovery limitations
imposed by the Federal Rules of Civil Procedure need not be
altered at this time.

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